

SEATTLE POLICE DEPARTMENT MEMORANDUM

TO Captain Jay Gleason
Office of Professional Accountability - Investigation Section

FROM Kathryn Olson *KO*
Director, Office of Professional Accountability

DATE March 15, 2008

SUBJECT CERTIFICATION OF COMPLETION AND OPA DISPOSITION

I have reviewed the following OPA-IS investigation, the proposed disposition of the Investigation Section, and the comments and input of the command staff:

OPA-IS Case Number:

IS 07-0467

Employee #1:

Allegation(s):

Unnecessary Force
Professionalism Exercise of Discretion
Vehicle Pursuits/Policy

Employee #2:

Allegation(s):

Unnecessary Force

Employee #3:

Allegation(s):

Unnecessary Force

Proposed OPA-IS Disposition:

Employee #1:

Allegation(s):

Unnecessary Force - Exonerated
Professionalism Exercise of Discretion - Supervisory Intervention
Vehicle Pursuits/Policy - Not Sustained

Employee #2:

Allegation(s):

Unnecessary Force - Exonerated

Employee #3:

Allegation(s):

Unnecessary Force - Exonerated

Pursuant to SMC 2.28.720(F), I certify the completion of the investigation and the following disposition:

OPA Certified Disposition:

Employee #1:

Allegation(s):

Unnecessary Force - Exonerated
Professionalism Exercise of Discretion - Supervisory Intervention
Vehicle Pursuits/Policy - Not Sustained

Employee #2:

Allegation(s):

Unnecessary Force - Exonerated

Employee #3:

Allegation(s):

Unnecessary Force - Exonerated

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Comments:

- For the reasons outlined in Acting Captain Kuehn's Proposed Disposition memorandum, I concur in the recommended findings of:
 1. Exonerated for the allegation of Unnecessary Force for each of the named employees, [REDACTED]
 2. Supervisory Intervention for the allegation of Professionalism - Exercise of Discretion for [REDACTED] and, [REDACTED]
 3. Not Sustained for the allegation of Vehicle Pursuits/Policy for [REDACTED]
- The Proposed Disposition memo explains why a Supervisory Intervention finding is appropriate with regards to [REDACTED] decision to engage the vehicle occupants after the car he pursued had stopped and there was no longer a public safety concern. The focus of that reasoning is on the unnecessary and potentially dangerous situation in which [REDACTED] placed himself. However, I note here the concern both the OPA Auditor and I have with regards to the legal justification [REDACTED] had to require all three occupants to sit down on the ground, detaining them. Even assuming that he was fearful for his safety as Mr. Rutherford walked towards him, it is not at all clear that [REDACTED] had reasonable suspicion to detain the others. It turned out that Mr. Alfonzo, one of the others detained, was the car driver, and he was subsequently charged with Reckless Driving. However, [REDACTED] decision to initially take on the incident alone (a questionable use of discretion) led him to unnecessarily and without justification detain all three occupants, and contributed to the escalation of the situation with regards to Mr. Rutherford.
- It is recommended that the department consider a training review with regards to Terry stop requirements.

Rutherford
SPD 00428